IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

MONDAY, THE 19TH MARCH 2007 / 28TH PHALGUNA 1928

WP(C).No. 8920 of 2007(J)

PETITIONER:

MANAGER,
ST.MARTIN'S ENGLISH MEDIUM L.P.SCHOOL,
PALARIVATTOM, KOCHI.

BY ADV. SRI.J.JULIAN XAVIER
SRI.FIROZ K.ROBIN

RESPONDENTS:
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1. STATE OF KERALA, REPRESENTED BY
ITS SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT,
GOVT. OF KERALA, THIRUVANANTHAPURAM.

2. DIRECTOR OF PUBLIC INSTRUCTIONS,
THIRUVANANTHAPURAM.

3. DEPUTY DIRECTOR OF EDUCATION,
ERNAKULAM.

4. DISTRICT EDUCATION OFFICER,
ERNAKULAM.

BY GOVT. PLEADER SRI.A.J.VAGHESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 19/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER,J

W.P.C.No.8920 OF 2007

Dated this the 19th day of March, 2007

JUDGMENT

Petitioner is the manager of an unrecognised and unaided school. Grievance of the petitioner is that the students who have completed the course of study in the school in standards I to IV are now forced to write examination in other Government or recognised schools under the syllabus now in force in such schools. It is pointed out that the order issued by the Government in this regard will cause undue hardship and loss to these young students. Petitioner may not be able to issue transfer certificates to those students to enable them to join other recognised institutions, if the order of the Government is enforced. It is pointed out that this court in W.P.(C)No.33341/06 and connected cases had considered the plight of similarly placed unrecognised institutions in its judgment dated March 6, 2007. The learned Advocate General who appeared on behalf of the Government had informed the court that the Government is prepared to give concession in the matter of enforcement of the above order for the current academic year provided these institutions undertook

to abide by the statutory mandates contained in Chapter VI of KER during the ensuing academic year. The learned Judge had recorded the above submission made by the learned Advocate General and the writ petitions were disposed of with the direction to the officer of the department concerned to give sanction to such institutions to conduct the examination in their schools and to issue transfer certificates to those students.

2. Learned counsel invites my attention to the affidavit filed by the petitioner in terms of the directions contained in the judgment referred to above. It has been categorically averred that petitioner's institution will abide by the statutory mandates contained in Chapter VI of KER with particular reference to Rule 7 and 8 of the above chapter from the academic year 2007-08 onwards.

In view of the unequivocal undertaking in the affidavit placed before this court, I am satisfied that petitioner can be allowed to conduct the examination for the students in standards I to IV for the current academic year and to issue transfer certificates to them. The Deputy Director of Education, Ernakulam shall issue appropriate orders in this regard forthwith.

A.K.BASHEER
JUDGE

sv.

A.K.BASHEER.
JUDGE

sv.